REMARKS

This responds to the Office Action dated December 13, 2007.

Claims 1, 3, 4, 6, 8, 10, 11, 12, 15, 18, 19-25, 30, 31-39, 42-45, and 50-54 are amended, claims 1-12, 15, 18-25 and 30-55 are now pending in this application.

§103 Rejection of the Claims

Claims 1-12, 15, 18-25 and 30-55 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Estipona (U.S. Patent No. 6,795,973 B1) in view of Stone (U.S. Patent Application Publication No. 2003/0056224 A1).

Amended independent claim 1 recites in part:

"transmitting a video program and at least one trigger employing a first television channel operating at a first frequency; and

transmitting enhanced television content employing a second channel operating at a second frequency."

(Emphasis added.)

Claim 1 was amended to replace "enhancement data" with "enhanced television content" to provide a clearer understanding of the claimed invention and not because of the cited references.

The Examiner admitted that Estipona does not clearly show "transmitting enhancement data employing a second television channel operating at a second frequency." The Examiner however alleged that this technique is known and admitted as the prior art with the example in Figure 2 of the present application. The Examiner further alleged that Stone teaches the same feature by having separate transports for two different contents. (Page 3 of the Office Action) Applicant respectfully disagrees.

As for the example illustrated in Figure 2 of the present application, the information disclosed includes multiple channel groups and associated frequency ranges with group labeled 202 commonly used for data, group labeled 204 and 208 commonly used for television service channels, and group labeled 206 commonly used for radio. The example in Figure 2 does not teach using any specific channel for transmitting "enhanced television content". If the Examiner

views that the example in Figure 2 teaches using the channels in the group labeled 202 for transmitting "enhanced television content", then Applicant respectfully points out that the transmitting of data is not the same as the transmitting of enhanced television content as claimed in claim 1. The transmission of data in the example of Figure 2 refers to the transmission of data in frequencies such as those utilized by **cable modems**.

As for Stone, it refers to the two transport models - type A and type B – as defined by the ATVEF specification for delivering content. The transport type A is defined for ATVEF receivers that maintain a connection (back channel or return path) to the Internet. The transport type A is a method for delivering only triggers without additional content. Since there is no content delivered with the transport type A, all data must be obtained over the back-channel, using the URLs passed with the triggers as a pointer to the content. (Pg. 2, paragraph 24) If the Examiner refers to the back-channel of the transport type A as being similar to the second channel as claimed in claim 1, Applicant disagrees. Stone clearly teaches that no content is delivered with the transport type A, and all data must be obtained over the back-channel. There is no teaching by Stone as to using a different channel to transmit the enhanced television content.

Stone further teaches that the transport type B provides for delivery of both ATVEF triggers and its associated content via the broadcast network. The transport type B uses announcements sent over the network to associate triggers with content streams, including enhancements. (Pg. 2, paragraph 25) Triggers are real-time events delivered for the enhanced TV program. (Pg. 2, paragraph 17) Thus, this confirms that the transport type B is used to deliver content instead of the transport type A. Applicant submits that Stone follows the ATVEF specification and uses the transport type B to deliver content, triggers, and enhanced content together. Combining Stone with Estipona does not change the transmitting of the enhanced content as defined by the ATVEF specification.

In contrast, claim 1 includes the limitation: "transmitting a video program and at least one trigger employing a first television channel operating at a first frequency; and transmitting enhanced television content employing a second channel operating at a second frequency." Applicant respectfully submits that the invention as claimed in claim 1 removes certain

requirements of the ATVEF specification and is therefore an improvement over the ATVEF specification.

Applicant submits that, at least for the above reason, neither Estipona nor Stone, individually or in combination, teaches the limitation as claimed in claim 1. The 103 rejection is therefore overcome, and claim 1 and its dependent claims 2-12, 15, 18-25, and 30-33 are patentable over Estipona in view of Stone.

Applicant submits that, at least for the same reason given above, independent claims 34 and 45, and their corresponding dependent claims are also patentable over Estipona in view of Stone.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date April 9, 2008

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10 day of April 2008.

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Signature